

**Amending Capital Project No. 488, Installation Of Shoulders Along Route 299, Towns Of New Paltz And Gardiner – Transportation Improvement Project (TIP) Not On The State Highway System – Amending The 2018 – 2023 Capital Improvement Program And Declaration Of Intent To Serve As Lead Agency Under SEQRA Department Of Public Works (Highways And Bridges)**

Referred to: The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Greene, Litts, Nolan, and Roberts), The Energy and Environment Committee (Chairwoman Wawro and Legislators Bartels, Greene, Joseph Maloney, and Woltman), and The Ways and Means Committee (Chairman Gerentine and Legislators Archer, Bartels, Lopez, James Maloney, Joseph Maloney, and Petit)

Chairman of the Public Works and Capital Projects Committee, Dean J. Fabiano, Deputy Chair Manna Jo Greene, and Legislator Bartels offer the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Public Works – (Highways & Bridges); and

WHEREAS, a project for shoulder widening and reconstruction on Route 299 (County Route 7 & 8) from Libertyville Road to Route 44/55 in the Town of New Paltz and Gardiner, PIN 8051.11 (herein after the “Project”) may be eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ration of 80% federal funds 20% non-federal funds; and

WHEREAS, the Project will help improve the safety of motorists, bicyclists, pedestrians and other users of this segment of Route 299; and

WHEREAS, Capital Project No. 488 was established pursuant to Resolution No. 545, dated December 20, 2016, in an amount of \$487,000 to provide authorization and funding for preliminary engineering at \$312,000 and right-of-way incidental work at \$175,000 for the Project; and

WHEREAS, an engineering consultant has been selected for the Project and a scope of services and cost proposal have been established; and

WHEREAS, based on information provided from such engineering consultant it has been determined that it is now necessary to increase the federal and non-federal share of costs for the additional preliminary engineering, Right-of-Way Work and Construction Inspection for the Project in the amount of \$262,397.00, of which such costs may be reimbursable up to 80% with federal funds, bringing the total project cost to \$749,397.00; and,

WHEREAS, the project was approved by the Ulster County Transportation Council in the 2018-2022 Transportation Improvement Program; and

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WHEREAS, the County desires to advance the Project by making a commitment of 100% of the non-federal share of the additional preliminary engineering work; now

THEREFORE, the Ulster County Legislature, duly convened, it is hereby

RESOLVED, that the Ulster County Legislature hereby authorizes Ulster County to pay in the first instance 100% of the federal and non-federal share of the cost of engineering work for the Project or portions thereof; and, be it further

RESOLVED, that, as funded, the Project is a Type II Action as defined under 6 NYCRR 617.5(c) (18) and does not require any determination or procedure under the State Environmental Quality Review Act (SEQRA); and, be it further

RESOLVED, that the Ulster County Legislature has determined, after review of the criteria contained in 6 NYCRR Parts 617.4 and 617.5, that the construction of the project will constitute an Unlisted Action; and the County will conduct a coordinated review and circulate its Notice of Intent to serve as Lead Agency, together with the EAF and accompanying documentation to all interested and involved agencies pursuant to 6 NYCRR Part 617.6(b) (2) (i) and 6 NYCRR Part 617.6(b) (3); and, be it further

RESOLVED, that in the event the full federal and non-federal share costs of the Project exceeds the amount appropriated above, the Ulster County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the County Executive; and, be it further

RESOLVED, that the Chairman of the Ulster County Legislature be authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of Ulster County with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and, be it further

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RESOLVED, that in addition to the Chairman of the Ulster County Legislature, the following municipal titles: Commissioner of Public Works, County Engineer, County Comptroller, and County Attorney are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and, be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and, be it further

RESOLVED, that the 2018 Ulster County Capital Fund Budget is hereby amended as follows:

|                                     | <u>INCREASE</u>   | <u>AMOUNT</u> |
|-------------------------------------|---|---------------|
| HH.5197.0488-4300.4355<br>(App. #)  | Engineer Services<br>Capital Project No. 488<br>Widening Shoulders Rte. 299 (TIP) | \$262,397.00  |
| HH.5197.0488-3500-5710<br>(Rev. #s) | Revenue – Serial Bonds  | \$262,397.00  |

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 21                      NOES: 0  
(Absent: Legislators Eckert and Maio)

Passed Committee: Public Works and Capital Projects on April 4, 2018

Passed Committee: Energy and Environment on April 5, 2018

Passed Committee: Ways and Means on April 10, 2018

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FINANCIAL IMPACT:

\$262,397.00 – CAPITAL PROJECT NO. 488 APPROPRIATION DOLLARS

\$262,397.00 – SERIAL BOND PROCEEDS

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 17<sup>th</sup> Day of April in the year Two Thousand and Eighteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 18<sup>th</sup> Day of April in the year Two Thousand and Eighteen.

|s| Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

Submitted to the County Executive this  
19<sup>th</sup> Day of April, 2018.

Approved by the County Executive this  
26<sup>th</sup> Day of April, 2018.

|s| Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

|s| Michael P. Hein  
Michael P. Hein, County Executive